

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

NELSON OTERO and MAXCIME  
CAGAN,

Defendants.

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**Criminal No. 11-23 (SRC)**

**ORDER**

**CHESLER**, District Judge

This matter having come before the Court on the separate motions filed by Defendant Nelson Otero and by Defendant Maxcime Cagan (collectively, “Defendants”) to preclude the testimony of the expert witness proffered by Plaintiff the United States of America (the “Government”) on the subject of firearms and toolmark identification [docket entries 40 & 41]; and the Government having opposed the motions; and the Court having conducted a Daubert hearing on February 22, 23 and 24, 2012; and the Court having considered the evidence presented at the hearing as well as the parties’ written submissions regarding these motions; and for the reasons expressed in the Opinion filed herewith,

**IT IS** on this 15<sup>th</sup> day of March, 2012,

**ORDERED** that Defendants' motions to preclude the testimony of the Government's expert on firearms and toolmark identification [docket entries 40 & 41] be and hereby are **DENIED**.

s/Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge